

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION.No.21169 OF 2005

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Dt:28.09.2005

Between:

C.Karthkeyan

.. Petitioner

and

The General Manager

.. Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION.No.21169 OF 2005

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ORDER:

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The petitioner was employed as Engineer (Trainee) in Electronic Corporation of India Limited in 1990 against the vacancy reserved in favour of scheduled tribe candidates. The petitioner claimed the status as a schedule tribe candidate on the basis of a caste certificate issued by the Tahsildar, Chennai. The respondent initiated disciplinary proceedings against the petitioner on the ground that the verification undertaken by them revealed that the caste certificate issued to the

petitioner was not genuine. Apart from this, the revenue authorities at the native place of the petitioner have also cancelled the caste certificate. Thereupon, the petitioner filed W.P.No.10237 of 1997 before the Madras High Court. The same was allowed on the sole ground that the petitioner was not given any opportunity, before the caste certificate was cancelled. It was left open for the revenue authorities to take further steps, after issuing notice to the petitioner.

The revenue authorities cancelled the caste certificate of the petitioner after conducting an enquiry through order, dated 27.06.2005. The petitioner filed W.P.No.27311 of 2005 in the Madras High Court and obtained an order of interim stay. The respondent, however, proceeded with the disciplinary enquiry and removed the petitioner from service through order, dated 06.08.2005. The same is challenged in this writ petition.

Sri G.Ravi Mohan, the learned counsel for the petitioner submits that once the order of cancellation of caste certificate was stayed by the Madras High Court, there was absolutely any basis for the respondent to remove the petitioner from service.

The learned standing counsel for the respondent, on the other hand, submits that with the cancellation of caste certificate, the very basis for the claim of the petitioner as to social status disappeared and at any rate, he can avail the remedy of appeal.

Though several contentions have urged on behalf of the petitioner, this Court is not inclined to deal with the same, at this stage. The reason is that the relevant service Rules provided for an appeal to the Chairman and Managing Director of the respondent against the impugned order. The grounds urged in this writ petition by the petitioner can be pleaded before the appellate authority. The latter would be in a better position to appreciate from the point of view of facts and law, on perusal of the entire record.

Hence, the writ petition is disposed of, leaving it open to the petitioner to avail the remedy of appeal and the appellate authority shall dispose of the same, within two months from the date of its presentation.

28.09.2005

kdl